



07-28-03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gary P. Schroth Confirmation No.: 6226
Serial No.: 10/087,411 Art Unit: 1634
Filed: March 1, 2002 Examiner: Arun K. Chakrabarti
For: METHODS OF USING
UNNATURAL NUCLEOBASES
FOR DECODING Attorney Docket No: 9584-030-999

Notice of International Filing Under 35 U.S.C. § 122(b)(2)(B)(iii)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

If a Notice of foreign or international filing is required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c), such Notice is hereby given.

It is respectfully submitted that any delay in filing this Notice, if this Notice is required at all, was unintentional. Pursuant to 35 U.S.C. § 122(b)(2)(B)(iii), a failure to provide notice not later than 45 days after the filing date of a international application shall result in the application "being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional."

The above-identified application was filed with an accompanying Nonpublication Request. On February 27, 2003, a Request to Rescind Previous Nonpublication Request in full compliance with the requirements of 35 U.S.C. § 122(b)(2)(B)(ii) and 37 C.F.R. § 1.213(b) was mailed to the PTO. Also on February 27, 2003, the subject matter of the instant application was submitted in an international PCT application.


A Notice Regarding Rescission of Nonpublication Request, mailed July 8, 2003, was received by Pennie & Edmonds docketing department on Friday, July 18, 2003. Upon review of the aforementioned documents, it was noted on that the Request to Rescind Previous Nonpublication Request did not include specific notice that an international application was

to be filed. The instant Notice was immediately prepared for submission to the PTO. Hence, it is respectfully submitted that any delay was unintentional in the filing of this Notice under 35 U.S.C. § 122(b)(2)(B)(iii), to the extent that the circumstances described above required such Notice to be filed.

No fee is believed to be due with this notice of international filing. However, the Patent Office is authorized to charge fees under 37 C.F.R. § 1.17 or any other necessary fees, or credit any overpayment to Pennie & Edmonds LLP U.S. Deposit Account No. 16-1150 (Order No. 9584-0~~30~~-999).

Respectfully submitted,

Date: July 24, 2003


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